

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VICTOR FIGEROA	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
MICHAEL BARONE, et al.	:	NO. 08-3402

ORDER

AND NOW, this 26th day of February, 2009, upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice and upon consideration of the petitioner's objections to the Magistrate's Report and Recommendation (Docket No. 14), IT IS HEREBY ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED with the following changes:
  - a. The Pennsylvania Superior Court affirmed the denial of the petitioner's PCRA petition on May 25, 2006.
  - b. The deadline for the petitioner's appeal to the Pennsylvania Supreme Court was June 25, 2006.
  - c. The petitioner had from June 25, 2006, until April 27, 2007, to file his Federal habeas petition.

2. The petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 is DENIED.
3. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:

  
MARY A. McLAUGHLIN, U.